IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

WP(C).No. 34790 of 2007(N)

PETITIONER:

K.SURESH KUMAR, U.D.CLERK, OFFICE
OF THE EXECUTIVE ENGINEER, K.K.I.P. DIVISION,
ATHIKODE P.O., KOZHINJAMPARA, PALAKKAD
DISTRICT.

BY ADV. SRI.M.V.BOSE
SRI.VINOD MADHAVAN
SMT.NISHA BOSE

RESPONDENTS:
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1. THE CHIEF ENGINEER,
OFFICE OF THE CHIEF ENGINEER,
IRRIGATION AND ADMINISTRATION,
THIRUVANANTHAPURAM.

2. THE ADMINISTRATIVE OFFICER,
OFFICE OF THE CHIEF ENGINEER,
IRRIGATION AND ADMINISTRATION,
THIRUVANANTHAPURAM.

3. THE EXECUTIVE ENGINEER,
OFFICE OF THE EXECUTIVE ENGINEER,
K.K.I.P. DIVISION, ATHIKODE,
KOZHINJAMPARA, PALAKKAD DISTRICT,
PIN - 678554.

BY GOVERNMENT PLEADER SRI.BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

W.P.(C).No.34790 of 2007 N

Dated this the 17th day of December, 2007.

JUDGMENT

The petitioner is an Upper Division Clerk in the Irrigation Department. Petitioner is aggrieved by Ext.P1 order of transfer, by which he has been transferred from Kozhinjampara to Chittur. According to the petitioner, the order is issued by the Administrative Officer, who has no jurisdiction to do so.

2. A counter affidavit has been filed on behalf of the 1st respondent, in which reference is made to Ext.R1(a) which shows delegation of powers in favour of the Administrative Officer, who is to work under the Chief Engineer.

3. Learned counsel for the petitioner submits that even Ext.R1(a) may not be

sufficient for the purpose of clothing the Administrative Officer with the power to issue an order of transfer.

4. I do not agree. Ext.R1(a) order is of the year 1962 and the same is continued to be treated as an adequate delegation over these years. A reference could also be made in this behalf to Clause (2) which even contemplates transfer from one circle to another. In the present case, the transfer is only from Kozhinjampara to Chittur, both within the same circle.

5. From the counter affidavit, it seems that the transfer is pursuant to an enquiry. It is stated that there was some complaint against the petitioner that this was enquired into and the possibility of initiating disciplinary action is being contemplated. But it was thought that it is appropriate that the petitioner is transferred out of the station.

6. At this stage, I make it clear that the order of transfer need only be considered as one for administrative convenience and the reasons shown in Ext.P1 insofar as the petitioner is concerned need only be treated as administrative convenience.

Subject to the above observations, the writ petition is dismissed.

Sd/-
(V.GIRI)
JUDGE

sk/

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P.S. To Judge